Attorney Docket No. 59333-8010.US01

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Date: April 4, 2003 By: Valerie Peterson

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Paul L. Hickman et al. Serial No.: 08/798,703 Date Filed: February 12, 1997 For: **METHOD AND APPARATUS FOR CONTROLLING A COMPUTER OVER A WIDE AREA NETWORK**	Examiner: Dieu Minh T. Le Art Unite: 2184 Conf. No.: 2768

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Appeal Brief Transmittal

Attn: Board of Patent Appeals and Interferences
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enlosed herewith are the following:

1. ☒ Applicant's Appeal Brief (in triplicate)
2. ☒ Petition to Revive Unintentionally Abandoned Application
3. ☒ Statement Concerning Abandonment
4. ☒ Fee (37 C.F.R. § 1.17(c)): ☒ Small Entity: **$160.00**
   ☒ A check no. 810 for **$810.00** covering the combined fees for Appeal and Petition to Revive.
   ☒ The Commissioner is authorized to please charge any underpayment and/or overpayment for timely consideration of this paper to Deposit Account No. 50-2207.
5. ☒ Applicant petitions for an Extension of Time if necessary for timely filing of this Brief.

Respectfully submitted,

Date: April 4, 2003

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

EX PARTE Hickman et al.

Application for Patent

Filed February 12, 1997

Serial No. 08/798,704

FOR: METHOD AND APPARATUS
FOR COMPUTING WITHIN A WIDE AREA NETWORK

APPEAL BRIEF

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I. REAL PARTY IN INTEREST

The real parties in interest is G&H Nevada-Tek, the assignee of record.

II. RELATED APPEALS AND INTERFERENCES

This appeal is related to an appeal of USSN 08/810,620, filed 2/28/97 and to 08/798,704, filed 2/12/97, both entitled "Method and Apparatus for Computing Within a Wide Area Network," and both also assigned to G&H Nevada Tek.

III. STATUS OF THE CLAIMS

Claims 1 and 21-41 are pending in this application. All claims have been rejected by the Examiner and are the subject of this Appeal.

IV. STATUS OF THE AMENDMENTS

Applicants did not file any Amendments after Final Rejection.

V. SUMMARY OF THE INVENTION

The claimed invention permits the advertising of the availability of computers on the Internet to serve as host computers for any Internet client. A client computer can take over virtually the functionality of a the host computer over the Internet or other wide area network. More particularly, the claimed invention permits a host computer system to be run as a "virtual machine" through a network browser such as a Netscape® or Internet Explorer® network browser. By permitting the advertising of host computers, clients can choose computers of the appropriate type, power and cost for their desired application programs. For example, a client could run a Macintosh application on a Macintosh host over the Internet, or a run an old DOS program on a legacy 80286 host computer over the Internet.

With network-accessible host computers great computational and storage efficiencies are obtained. For example, since a typical stand-alone personal computer is only used a few hours of the day, by having network-accessible host computers it is possible to reduce the total number of computers required to service the many individual users. For example, computers that would normally be idle in one time zone can be used by users in another time zone. Furthermore, any user with access to a computer having a network browser would be able to control a powerful network computer from any location having Internet access. A host computer can "post" itself on an advertising page when it is available to serve as a host, and remove itself when it is busy or otherwise not available to serve as a host computer.

Preferably, after a client selects an appropriate host computer, a connection is made between the client computer and the host computer. This connection can be directly between the two computers, or through one or more intermediary computers. It can be effectuated, for example, by passing an appropriate URL to the client computer. Once connected, the client computer controls the host computer essentially as if its keyboard and its mouse were the input devices of the host computer. Furthermore, the client computer display images on its monitor essentially as if its monitor were the monitor of the host computer. As such, the host computer becomes a multi-purpose, virtual machine of a user of the client computer.

VI. ISSUE

The issue presented in this appeal is whether the rejection of the claims as set forth by the Examiner is proper. The sole issue in this appeal therefore is:

A. Are claims 1 and 21-41 properly rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett (U.S. Patent No. 5,568,612) in view of Doyle (U.S. Patent No. 5,838,906)?

VII. GROUPING OF THE CLAIMS

Applicant proposes fifteen groups of claims to stand or fall together, as follows:

Group 1 – Claims 1 and 21-23	Group 9 – Claims 32, 34 and 36
Group 2 – Claims 24 and 25	Group 10 – Claim 33
Group 3 – Claim 26	Group 11 – Claim 35
Group 4 – Claim 27	Group 12 – Claims 37 and 41
Group 5 – Claim 31	Group 13 – Claim 38
Group 6 – Claim 28	Group 14 – Claim 39
Group 7 – Claim 29	Group 15 – Claim 40
Group 8 – Claim 30	

VIII. THE CITED ART

A. Barrett et al. (U.S. Patent No. 5,568,612)

Barrett relates generally to a circuit board which is coupled to a local area network peripheral (e.g. a printer) and which allows the peripheral to be an intelligent, interactive network member eliminating the necessity of dedicating a personal computer to manage the peripheral. More particularly, the Barrett relates to such a circuit board in which two network servers are multitasked for concurrent execution, such as a print server and a communications socket server, and in which the services of both network servers may be "advertised" from a single network node.

B. Doyle et al. (U.S. Patent No. 5,838,612)

Doyle teaches a system allowing a user of a browser program on a computer connected to an open distributed hypermedia system to access and execute an embedded program object. The program object is embedded into a hypermedia document much like data objects. The user may select the program object from the screen. Once selected the program object executes on the user's (client) computer or may execute on a remote server or additional remote computers in a distributed processing arrangement. After launching the program object, the user is able to interact with the object as the invention provides for ongoing inter-process communication between the application object (program) and the browser program.

IX. ARGUMENTS

A. *Claims 1 and 21-41 were improperly rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett (U.S. Patent No. 5,568,612) in view of Doyle (U.S. Patent No. 5,838,906), and the rejection of the claims should be reversed*

This rejection will be considered on a group-by-group basis. As discussed below, Applicant believes that all pending claims are patentable over Barrett in view of Doyle.

1. Group 1 Claims 1 and 21-23

The Examiner has not created an even *prima facie* case of obviousness when combining the teachings of Barrett and Doyle to reject the claims of Group 1. Neither Barrett nor Doyle teach a plurality of host computers connected to a network such that the functionality of a host computer can be taken over by a client computer on the network. As noted in Applicant's specification:

> The method and apparatus of the present invention permits a client computer system 18 to take over the functionality of a host computer system 14 such that the keyboard 28 and mouse 30 of computer system 18 provides inputs to the computer system 14, and such that images on the monitor of computer system 14 are replicated on the monitor 26 of the computer system 18. (Page 10, lines 3-8)

Neither Barrett nor Doyle teach an advertising publisher computer connected to the network which receives advertising information about the availability or capacity of the plurality of host computers. As taught by Applicant:

> A host computer system ... can be "posted" onto an "advertising web page at the web site to permit other computers coupled to the Internet to interact directly with the host computer system. The computer "posted" on the web page is referred to as the "host" or "advertiser" computer, and computers accessing the host computer are referred to as "client" or "user" computers. ... Having the host computer posted on a web page creates a "virtual computer" that can be view (sic) and/or controlled by the client computers. (Page 4, lines 25-32)
>
> ...
>
> Also displayed is certain information about this virtual machine, such as the name of the person posting the machine, the requirements of passwords for eavesdropping or remote access, and whether collaboration is available or not. (Page 24, lines 11-13)

The Examiner asserts that Barrett shows an advertising publisher connected the network. This is clearly incorrect. Perhaps the best example can be seen in Figs. 1 and 11, wherein an NEB 2 connects a printer 4 to a LAN bus 6. As noted in column 29, lines 30+:

> Ordinarily, NEB 2 is configured to communicate to a single network operating system, but it may also be configured to operate in a multiprotocol network environment, for example a combined Novell/UNIX multiprotocol network environment. In this configuration, NEB 2 includes a Novel compatible peripheral server...as well as a UNIX compatible peripheral server...

We are clearly talking apples and oranges here. If NEB 2 were considered to be an "advertising publisher computer", it certainly does not "receive advertising information about at least the availability and capacity of a plurality of host computers." As the Examiner admits in the Office Action, Barrett does not even teach host computers as claimed by Applicant. At best, NEB2 would "advertise" the availability of multiple items coupled to the network node, such as the services of a print server and a socket server. This is completely different from the claim elements presented by Applicant. The "clients" referred to by the Examiner are not clients at all in the sense of Applicant's invention but, rather, devices such as the print server and the socket server.

Doyle does not cure the deficiencies of Barrett with respect to showing the claim elements of Applicant's claim 1. Doyle in no way shows a client computer connected to a network and *controlling the functionality* of a host computer coupled to the network. Doyle certainly does not even remotely suggest an advertising publisher coupled to the network to provide information to the client computer to aid in the selection of a suitable host computer. At best, Doyle teaches the distributed computing of program objects, which is distinctly different from the claimed invention.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art references must teach or suggest all the claim limitations *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). If any one of these criteria is missing there is a failure in making a prima facie case of obviousness. The Examiner has failed to meet even one of the three basic criteria, as will be noted below.

First, there is no suggestion of motivation to combine. Barrett teaches the connection of peripherals to a network. The peripherals "advertise" that they are available, but these are merely electronic "pings" sent out into the system to let computers on the network know that the peripherals (e.g. a printer) exist. As such, it teaches away from Applicant's invention where host computers register with an advertiser computer. That is, if Barrett's peripheral pinging were to be extended to host computers (and there is no suggestion to do so), then client computers would monitor the network for host computer pings, and would not be selecting host computers from an advertising computer. In other words, there is no suggestion in Barrett to advertise host computers on a network, nor to allow client computers to control the functionality of host computers over the network. Doyle, on the other hand, teaches running an application program on multiple machines on a network, but certainly doesn't teach the remote control of the functionality of a host computer by a client computer, nor does it teach advertising or even allowing the selection of a particular machine. Therefore, there is also no suggestion in Doyle to advertise host computers on a network, nor to allow client computers to control the functionality of host computers over the network. There is clearly no motivation to combine in either or both of these references, and the requirement of the first criteria fails.

The second criteria requires a reasonable expectation of success. The Examiner has failed on this criteria as well, since there is no teaching in the combination of references of the basic elements of the claimed invention. As such, there is no hint or suggestion in the references of the claimed invention, let alone any suggestion that would lead someone of skill in the art to successfully realize the invention as claimed by Applicant.

Finally, the third criteria obviously fails as well. As mentioned above, the Examiner fails to find any of the claimed elements, let alone all of the elements, in the combination of prior art references. That is, the examiner has not found the plurality of host computers, the advertising publisher computer, or the client computer as claimed by Applicant.

For at least the forgoing reasons, Applicant believes that the claims of Group 1 are patentable over Barrett and Doyle, and that the rejection was in error and should be withdrawn.

2. Group 2 Claims 24 and 25

Claims 24 and 25 are dependent upon claim 1 of Group 1, and therefore are patentable for at least the same reasons as set forth previously with respect to Group 1. With respect to claim 24, there is no teaching in Barrett or Doyle, either individually or in combination, of a browsing web page where a client computer may browse through advertising information to select a suitable host computer. *See*, for example, Fig. 22c and page 23 lines 21-33 of Applicant's specification.

With respect to claim 25, nowhere do Barrett or Doyle, either individually or in combination, claim a posting web page wherein advertising information can be received. See, for example, Fig. 22b and page 22, lines 14-33 of Applicant's specification.

In fact, neither Barrett nor Doyle contemplate host computers or the advertising of host computers in web pages, and therefore certainly cannot be said to contemplate the entry and display of advertising information about host computers in web pages.

For at least the forgoing reasons, Applicant believes that the claim of Group 2 is patentable over Barrett and Doyle, and that the rejection was in error and should be withdrawn.

3. Group 3 Claim 26

Claim 26 is dependent upon claim 23 of Group 1, and therefore is patentable for at least the same reasons as set forth previously with respect to Group 1. Furthermore, there is no teaching in Barrett or Doyle that advertising information can include information concerning the posting of a host computer, password information, and collaboration information. *See*, for example, Fig. 22c and page 24, line 9-15.

In fact, neither Barrett nor Doyle contemplate host computers or the advertising of host computers in web pages, and therefore certainly cannot be said to contemplate advertising information that can include information concerning the posting of a host computer, password information, and collaboration information. For at least the forgoing reasons, Applicant believes that the claim of Group 3 is patentable over Barrett and Doyle, and that the rejection was in error and should be withdrawn.

4. Group 4 Claim 27

Claim 27 is dependent upon claim 1 of Group 1 and, therefore, this claim is patentable for at least the same reasons as set forth previously with respect to Group 1.

Additionally, with claim 27 there is no teaching in Barrett or Doyle that a host computer provide an advertising publisher computer with advertising information. See Fig. 23, page 25, lines 1-12. In fact, neither Barrett nor Doyle teach host computers, advertising publisher computers, nor advertising information as claimed by Applicant.

In fact, neither Barrett nor Doyle contemplate host computers or the advertising of host computers in web pages, and therefore certainly cannot be said to contemplate receiving advertising information from host computers. Doyle, in fact, teaches away from this by not allowing a user to select which computer on which its application components

are running. For at least the forgoing reasons, Applicant believes that the claim of Group 4 is patentable over Barrett and Doyle, and that the rejection was in error and should be withdrawn.

5. Group 5 Claim 31

Claim 31 is dependent upon claim 27 of Group 4 and, therefore, this claim is patentable for at least the same reasons as set forth previously with respect to Group 4.

Additionally, with respect to claim 31, there is no teaching for the provision of advertising information including information allowing a client computer to establish a connection with a host computer. See, for example, Fig. 21 and page 21, lines 10-18 of Applicant's specification.

As noted previously, neither Barrett nor Doyle contemplate host computers or the advertising of host computers in web pages, and therefore certainly cannot be said to contemplate receiving advertising information from host computers including information on how to establish a connection with host computers. As noted previously, Doyle, teaches away from this by not allowing a user to select which computer on which its application components are running. For at least the forgoing reasons, Applicant believes that the claim of Group 5 is patentable over Barrett and Doyle, and that the rejection was in error and should be withdrawn.

6. Group 6 Claim 28

Claim 28 is dependent upon claim 27 of Group 4 and, therefore, this claim is patentable for at least the same reasons as set forth previously with respect to Group 4.

Additionally, with respect to claim 28, there is no teaching of an advertising computer providing a first web page having only HTML code to an advertising publisher and a second web page having HTML code and JAVA code to the advertising publisher, where the first web page has a link to the second web page and where the publisher computer is operable to provide the first and second web page to the client computer.

As noted previously, neither Barrett nor Doyle contemplate host computers or the advertising of host computers in web pages, and therefore certainly cannot be said include the claimed structure. The examiner has not found the elements of the claimed structure in Barrett or Doyle, let alone a suggestion or motivation to create the claimed structure. For at least the forgoing reasons, Applicant believes that the claim of Group 6 is patentable over Barrett and Doyle, and that the rejection was in error and should be withdrawn.

7. Group 7 Claim 29

Claim 29 is dependent upon claim 27 of Group 4, and therefore is patentable for at least the same reasons as set forth previously with respect to Group 4.

There is not a hint or a suggestion that the advertising information is electronically mailed to a publisher computer in either Barrett or Doyle. In fact, neither Barrett nor Doyle mention e-mail whatsoever. Furthermore, neither Barrett nor Doyle contemplate host computers or the advertising of host computers in web pages, and therefore certainly cannot be said to contemplate advertising information being sent by e-mail to implement such a combination. This rejection is therefore fundamentally in error.

For at least the forgoing reasons, Applicant believes that the claim of Group 7 is patentable over Barrett and Doyle, and that the rejection was in error and should be withdrawn.

8. Group 8 Claim 30

Claim 30 is dependent upon claim 27 of Group 4, and therefore is patentable for at least the same reasons as set forth previously with respect to Group 4.

There is absolutely no teaching in Barrett or Doyle that advertising information is provided to an advertising publisher computer through an advertising publisher's web page. There is nothing even close to this combination. Since, as it has been oft stated, neither Barrett nor Doyle contemplate host computers or the advertising of host computers in web pages, and therefore certainly cannot be said to contemplate advertising through a

publisher's web page. For at least the forgoing reasons, Applicant believes that the claim of Group 4 is patentable over Barrett and Doyle, and that the rejection was in error and should be withdrawn.

9. Group 9 Claims 32, 34 and 36

Claim 32 is an independent method claim for a method for choosing a host machine that is coupled to a wide area network. Claims 34 and 36 are dependent upon claim 32, and will be deemed to stand or fall with claim 32.

With respect to independent claim 32, neither Barrett nor Doyle teach a method for choosing a host machine including providing advertisement information about a plurality of host computer to an advertising machine coupled to a network including availability information and compatibility information. Neither Barrett nor Doyle teach that the advertiser machine can be searched by a client computer to find a suitable host computer for the client computer. Neither Barrett nor Doyle teach the connection of the client computer and the host computer to control the functionality of the host computer.

It is abundantly clear that, as was the case with respect to claim 1, the Examiner has not created an even *prima facie* case of obviousness when combining the teachings of Barrett and Doyle to reject the claims of Group 9. Neither Barrett nor Doyle teach establishing a connection between a client computer and a suitable host computer, wherein the suitable host computer is one of plurality of host computers connected to a network, such that the functionality of the suitable host computer can be taken over by the client computer. As noted in Applicant's specification:

> The method and apparatus of the present invention permits a client computer system 18 to take over the functionality of a host computer system 14 such that the keyboard 28 and mouse 30 of computer system 18 provides inputs to the computer system 14, and such that images on the monitor of computer system 14 are replicated on the monitor 26 of the computer system 18. (Page 10, lines 3-8)

Neither Barrett nor Doyle teach providing advertising information to an advertisement machine about the availability or capacity of the plurality of host computers. As taught by Applicant:

> A host computer system ... can be "posted" onto an "advertising web page at the web site to permit other computers coupled to the Internet to interact directly with the host computer system. The computer "posted" on the web page is referred to as the "host" or "advertiser" computer, and computers accessing the host computer are referred to as "client" or "user" computers. ... Having the host computer posted on a web page creates a "virtual computer" that can be view (sic) and/or controlled by the client computers. (Page 4, lines 25-32)
>
> ...
>
> Also displayed is certain information about this virtual machine, such as the name of the person posting the machine, the requirements of passwords for eavesdropping or remote access, and whether collaboration is available or not. (Page 24, lines 11-13)

The Examiner asserts that Barrett shows the provision of advertisement information to an advertisement machine coupled to a wide area network about a plurality of host computers also coupled to a wide area network. This is clearly incorrect. Perhaps the best example can be seen in Figs. 1 and 11, wherein an NEB 2 connects a printer 4 to a LAN bus 6. As noted in column 29, lines 30+:

> Ordinarily, NEB 2 is configured to communicate to a single network operating system, but it may also be configured to operate in a multiprotocol network environment, for example a combined Novell/UNIX multiprotocol network environment. In this configuration, NEB 2 includes a Novel compatible peripheral server...as well as a UNIX compatible peripheral server...

As noted previously with respect to the claims of Group 1, we are clearly talking apples and oranges here. If NEB 2 were considered to be an "advertising publisher computer", it certainly does not "receive advertising information about at least the availability and capacity of a plurality of host computers." As the Examiner admits in the Office Action, Barrett does not even teach host computers as claimed by Applicant. At best, NEB2 would "advertise" the availability of multiple items coupled to the network node, such as the services of a print server and a socket server. This is completely different from the claim elements presented by Applicant. The "clients" referred to by the Examiner are not clients at all in the sense of Applicant's invention but, rather, devices such as the print server and the socket server.

Doyle does not cure the deficiencies of Barrett with respect to showing the claim elements of Applicant's claim 1. Doyle in no way shows establishing a connection

between a client computer coupled to a network and a suitable host computer coupled to the network wherein the client computer *controls the functionality* of a host computer coupled to the network by having input events to the client computer becoming input events to the host computer. Doyle certainly does not even remotely suggest an advertising publisher coupled to the network to provide information to the client computer to aid in the selection of a suitable host computer. At best, Doyle teaches the distributed computing of program objects, which is distinctly different from the claimed invention.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art references must teach or suggest all the claim limitations *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). If any one of these criteria is missing there is a failure in making a prima facie case of obviousness. The Examiner has failed to meet even one of the three basic criteria, as will be noted below.

First, there is no suggestion of motivation to combine. Barrett teaches the connection of peripherals to a network. The peripherals "advertise" that they are available, but these are merely electronic "pings" sent out into the system to let computers on the network know that the peripherals (e.g. a printer) exist. As such, it teaches away from Applicant's invention where host computers register with an advertiser computer. That is, if Barrett's peripheral pinging were to be extended to host computers (and there is no suggestion to do so), then client computers would monitor the network for host computer pings, and would not be selecting host computers from an advertising computer. In other words, there is no suggestion in Barrett to advertise host computers on a network, nor to allow client computers to control the functionality of host computers over the network. Doyle, on the other hand, teaches running an application program on multiple machines on a network, but certainly doesn't teach the remote control of the functionality of a host computer by a client computer, nor does it teach advertising or even allowing the selection of a particular machine. Therefore, there is also no suggestion in Doyle to advertise host computers on a network, nor to allow client computers to control the functionality of host computers over the network. There is clearly no motivation to combine in either or both of these references, and the requirement of the first criteria fails.

The second criteria requires a reasonable expectation of success. The Examiner has failed on this criteria as well, since there is no teaching in the combination of references of the basic elements of the claimed invention. As such, there is no hint or suggestion in the references of the claimed invention, let alone any suggestion that would lead someone of skill in the art to successfully realize the invention as claimed by Applicant.

Finally, the third criteria obviously fails as well. As mentioned above, the Examiner fails to find any of the claimed elements, let alone all of the elements, in the combination of prior art references. That is, the examiner has not found the plurality of host computers, the advertising publisher computer, or the client computer as claimed by Applicant.

For at least the forgoing reasons, Applicant believes that the claims of Group 9 are patentable over Barrett and Doyle, and that the rejection was in error and should be withdrawn.

10. Group 10 Claim 33

Claim 33 is dependent upon claim 32 of Group 9, and therefore is patentable for at least the same reasons as set forth previously with respect to Group 9.

Neither Barrett nor Doyle contemplates advertising information being provided to an advertisement machine by a host computer, as pointed out previously. This is an extremely valuable feature, as it allows a host computer, out on the Internet, to "post" itself to an advertisement machine without the advertisement machine even needing to know the prior existence of the host machine. As noted above, Barrett does not teach this combination and is directed to the connection of peripherals such as printers to the network. Doyle does not cure the deficiencies of Barrett in this respect. Nowhere is such a combination contemplated by either Barrett or Doyle.

For at least the forgoing reasons, Applicant believes that the claim of Group 10 is patentable over Barrett and Doyle, and that the rejection was in error and should be withdrawn.

11. Group 11 Claim 35

Claim 35 is dependent upon claim 32 of Group 9, and therefore is patentable for at least the same reasons as set forth previously with respect to Group 9.

Additionally, there is no teaching in Barrett or Doyle that the connection information provided to a client computer includes a URL address. This cannot be found in either Barrett or Doyle. In Barrett, a number of peripherals, such as printers, are coupled to an SAP server. No host computers are disclosed. Furthermore, computers on the network *are not provided with any address, let along a URL address,* for the peripherals. Instead, they communicate with the SAP server. Doyle does not cure the deficiency of Barrett in this respect.

For at least the forgoing reasons, Applicant believes that the claim of Group 11 is patentable over Barrett and Doyle, and that the rejection was in error and should be withdrawn.

12. Group 12 Claims 37 and 41

Claim 37 is an independent method claim for a method for providing an advertising machine capable of advertising available host machines over a wide area network. Claim 41 is directed to computer readable media and is dependent upon claim 37, and will be deemed to stand or fall with claim 37.

With respect to independent claim 37, neither Barrett nor Doyle teach providing an advertising machine connected to a network, providing a list of available host computer connected to the network on the advertising machine, and servicing requests for the list of available host computers to client machines coupled to the network. That is, the examiner has not even made a *prima facie* case of obviousness. As this has been exhaustively argued above, Applicant will mercifully not repeat the arguments, but incorporates those arguments by reference herein.

The Examiner argues that Barrett includes an advertising machine, i.e. the SAP server. This is clearly incorrect. The SAP server pushes onto the network a series of interleaved "pings" signifying the existence of certain peripherals, such as printers. Barrett does not teach host

computers, nor does it teach the provision of a list of host computers (or peripherals for that matter) on the SAP server which can be requested (i.e. pulled) by a computer on the network. Doyle does not contemplate the advertising of host computers in any way and, as such, does not cure the deficiencies of Barrett with respect to this matter.

For at least the forgoing reasons, Applicant believes that the claims of Group 12 are patentable over Barrett and Doyle, and that the rejection was in error and should be withdrawn.

13. Group 13 Claim 38

Claim 38 is dependent upon claim 37 of Group 12, and therefore is patentable for at least the same reasons as set forth previously with respect to Group 12.

Neither Barrett nor Doyle contemplates advertising information being provided to an advertisement machine by a host computer, as pointed out previously. As also pointed out previously, this is an extremely valuable feature, as it allows a host computer, out on the Internet, to "post" itself to an advertisement machine without the advertisement machine even needing to know to the prior existence of the host machine. As noted above, Barrett does not teach this combination is directed to the connection of peripherals such as printers to the network, and Doyle does not cure this deficiency. Nowhere is such a combination contemplated by either Barrett or Doyle.

For at least the forgoing reasons, Applicant believes that the claim of Group 13 is patentable over Barrett and Doyle, and that the rejection was in error and should be withdrawn.

14. Group 14 Claim 39

Claim 39 is dependent upon claim 38 of Group 13, and therefore is patentable for at least the same reasons as set forth previously with respect to Group 13.

As exhaustively described above, neither Barrett nor Doyle teach advertising machines, host machines, nor advertising information including connection information to allow a host machine to be accessed over a TCP/IP protocol network. For at least the forgoing reasons, Applicant believes that the claim of Group 14 is patentable over Barrett and Doyle, and that the rejection was in error and should be withdrawn.

15. Group 15 Claim 40

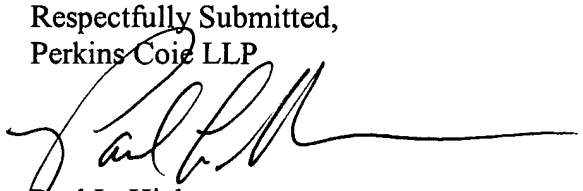
Claim 40 is dependent upon claim 37 of Group 12, and therefore is patentable for at least the same reasons as set forth previously with respect to Group 12. Furthermore, there is no teaching in Barrett or Doyle that information concerning host computers can be on a web page. This is a significant advantage of Applicant's invention in that it allows access the information to be pulled to any client computer coupled to the network. Barrett teaches a SAP server for peripherals which does not provide a web page, or host computers, or information concerning host computers. As mentioned previously, the SAP server merely pushes information concerning peripherals onto a network. Doyle doesn't address host computers or advertising of host computers, and clearly does not make up for the deficiencies of Barrett in this matter. This rejection is clearly in error.

For at least the forgoing reasons, Applicant believes that the claims of Group 4 are patentable over Barrett and Doyle, and that the rejection was in error and should be withdrawn.

X. CONCLUSION

As noted, neither of the cited art references, either alone or in combination, can be said to render obvious the appealed claims. Accordingly, Applicant believes the rejections to be in error, and respectfully requests the Board of Appeals and Interferences to reverse the Examiner's rejections of the claims on appeal.

Respectfully Submitted,
Perkins Coie LLP



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APPENDIX A - THE APPEALED CLAIMS

1. A system for accessing a computer over a TCP/IP protocol network comprising:

a plurality of host computers connected to a TCP/IP protocol network, each of said host computers being capable of being remotely controlled by a client computer;

an advertising publisher computer connected to said network which receives advertising information about at least the availability and capacity of said plurality of host computers on said network; and

a client computer connected to said network operable to receive said advertising information about said at least one host computer from said publisher computer and to display said advertising information on a display of said client computer to allow a selection of a host computer among said plurality of host computers, and remote control information enabling said client computer to control a selected host computer over said network such that input events to said client computer become input events to said selected host computer and such that video output information of said selected host computer become video output information of said client computer.

21. (once amended) A system for accessing a computer over a TCP/IP protocol network as claimed in claim 1 wherein said network is the Internet.

22. (once amended) A system for accessing a computer over a TCP/IP protocol network as claimed in claim 1 wherein said advertising publisher computer is operative to make advertising information about said at least one host computer accessible to said client computer.

23. A system for accessing a computer over a TCP/IP protocol network as claimed in claim 22 wherein said advertising publisher computer creates a list of available host computers.

24. A system for accessing a computer over a TCP/IP protocol network as claimed in claim 23 wherein said advertising publisher computer provides said advertising information of said at least one host computer on a browsing web page, where a client computer may browse through said advertising information on said browsing web page and select a suitable host computer.

25. A system for accessing a computer over a TCP/IP protocol network as claimed in claim 23 wherein said advertising information may be received by said advertisement publisher computer through a posting web page.

26. A system for accessing a computer over a TCP/IP protocol network as claimed in claim 23 wherein said advertising information for said at least one host computer includes information about the poster of said host computer, password information for said host computer, and collaboration information for said host computer.

27. (once amended) A system for accessing a computer over a TCP/IP protocol network as claimed in claim 1 wherein said at least one host computer provides said advertising publisher computer with said advertising information.

28. (once amended) A system for accessing a computer over a TCP/IP protocol network as claimed in claim 27 wherein said at least one advertiser computer provides a first web page having only HTML code to said advertising publisher and a second web page having HTML code and JAVA code to said advertising publisher computer, said first web page having a link to said second web page and said publisher computer operable to provide said first and second web page to said client computer.

29. A system for accessing a computer over a TCP/IP protocol network as claimed in claim 27 wherein said advertising information is electronically mailed to said advertising publisher computer.

30. A system for accessing a computer over a TCP/IP protocol network as recited in claim 27 wherein said advertising information is provided to said advertising publisher computer through said advertising publisher's web page.

31. A system for accessing a computer over a TCP/IP protocol network as claimed in claim 27 wherein said advertising information includes information allowing said client computer to establish a connection with said host computer.

32. (once amended) A method for choosing a host machine coupled to a wide area network comprising:

providing advertisement information about a plurality of host computers connected to a wide area network to an advertisement machine connected to said wide area network, said advertisement information including availability information and compatibility information about said plurality of host computers;

searching said advertiser machine by a client computer connected to the wide area network to find a suitable host computer for said client computer;

sending selection information from said client computer to said advertiser machine, and receiving of said client computer connection information from said advertiser machine for a selected host computer; and

establishing a connection between said client computer and said suitable host computer such that said client computer controls the functionality of said suitable host computer wherein input events to said client computer become input events to said suitable host computer and such that video output information of said suitable host computer becomes video output information of said client computer.

33. A method for choosing a host machine coupled to a wide area network as claimed in claim 32 wherein said advertisement information provided to said advertisement machine is provided by said host computer.

34. A method for choosing a host machine coupled to a wide area network as claimed in claim 32 wherein searching said advertiser machine for a suitable host computer includes selecting a host computer from a list of host computers provided by said advertising machine.

35. A method for choosing a host machine coupled to a wide area network as claimed in claim 32 wherein said connection information provided to said client computer includes a URL address.

36. A computer readable media having program instructions implementing the method of claim 32.

37. (once amended) A method of providing an advertising machine capable of advertising available host machines over a wide area network comprising:

providing an advertising machine connected to a network;

providing a list of available host computers connected to said network on said advertising machine; and

servicing a request for said list of available host computers to a client machine coupled to said network, such that said client machine may connect to a host computer selected from said list, whereby said client machine can control the functionality of said host computer over said network.

38. A method of providing an advertising machine capable of advertising available host machines over a wide area network as claimed in claim 37 wherein said advertising information received by said advertising machine is provided by said host computers.

39. A method of providing an advertising machine capable of advertising available host machines over a wide area network as claimed in claim 38 wherein said advertising information received by said advertising machine includes connection information for said host computer, said connection information allowing said host computer to be accessed over a TCP/IP protocol network.

40. A method of providing an advertising machine capable of advertising available host machines over a wide area network as claimed in claim 37 wherein providing information about said available host computers includes creating a web page having said advertising information for said host computers.

41. A computer readable media having program instructions implementing the method of claim 37.